

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MELINA BERNARDINO,

Plaintiff,

-against-

17-cv-4570 (LAK)

BARNES & NOBLE BOOKSELLERS, INC.,

Defendant.  
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**ORDER**

LEWIS A. KAPLAN, *District Judge*.

This matter is before the Court on plaintiff's motion for a preliminary injunction. In a report and recommendation dated August 11, 2017 (the "R&R"), Magistrate Judge Katharine Parker recommended that the motion be denied. Plaintiff, while she does not object to the recommendation that the motion be denied, nevertheless objects to the R&R in order to quarrel with the magistrate judge's description of two decisions of other district courts and its application of one appellate decision. However, plaintiff's statement that she does not object to the recommendation that the motion be denied effectively concedes that her objections are immaterial to the outcome of the motion.

Accordingly, plaintiff's motion for a preliminary injunction [DI 20] is denied. The objections are overruled without prejudice to plaintiff asserting her position with respect to those cases later in the litigation in the event that determination of her position ever becomes material. In all other respects, the Court adopts the R&R.

SO ORDERED.

Dated: August 28, 2017

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/s/ Lewis A. Kaplan  
Lewis A. Kaplan  
United States District Judge

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DOC #:  
DATE FILED: 8/28/2017